

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:05-CR-163

v.

HON. ROBERT HOLMES BELL
JOHN HOWARD DOUGLAS, JR.,

Defendant.

/

MEMORANDUM OPINION AND ORDER

Defendant was sentenced on March 16, 2006, to a term of 120 months following his guilty plea to Possession with Intent to Distribute 5 Grams or More of Cocaine Base and Unspecified Quantities of Cocaine and Marijuana contrary to 21 U.S.C. §841(a)(1) and (b)(1)(B). On January 13, 2010, the Court issued an Amended Judgment amending defendant's term of custody to 96 months pursuant to a Rule 35(b) motion filed by the government.

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #1044).

On September 30, 2009, the Probation Department issued a Sentence Modification Report which indicated the defendant was ineligible for a reduction in sentence as the new calculation did not result in a lower guideline range.

ACCORDINGLY, since Amendment 706 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10, and defendant's motion is hereby **DENIED**.

DATED: February 1, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE